

SSB 6389 - H COMM AMD
By Committee on Judiciary

ADOPTED 03/03/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.41.300 and 1994 sp.s. c 7 s 429 are each amended to
4 read as follows:

5 (1) It is unlawful for any person to enter the following places
6 when he or she knowingly possesses or knowingly has under his or her
7 control a weapon:

8 (a) The restricted access areas of a jail, or of a law enforcement
9 facility, or any place used for the confinement of a person (i)
10 arrested for, charged with, or convicted of an offense, (ii) held for
11 extradition or as a material witness, or (iii) otherwise confined
12 pursuant to an order of a court, except an order under chapter 13.32A
13 or 13.34 RCW. Restricted access areas do not include common areas of
14 egress or ingress open to the general public;

15 (b) Those areas in any building which are used in connection with
16 court proceedings, including courtrooms, jury rooms, judge's chambers,
17 offices and areas used to conduct court business, waiting areas, and
18 corridors adjacent to areas used in connection with court proceedings.
19 The restricted areas do not include common areas of ingress and egress
20 to the building that is used in connection with court proceedings, when
21 it is possible to protect court areas without restricting ingress and
22 egress to the building. The restricted areas shall be the minimum
23 necessary to fulfill the objective of this subsection (1)(b).

24 In addition, the local legislative authority shall provide either
25 a stationary locked box sufficient in size for pistols and key to a
26 weapon owner for weapon storage, or shall designate an official to
27 receive weapons for safekeeping, during the owner's visit to restricted
28 areas of the building. The locked box or designated official shall be
29 located within the same building used in connection with court
30 proceedings. The local legislative authority shall be liable for any

1 negligence causing damage to or loss of a weapon either placed in a
2 locked box or left with an official during the owner's visit to
3 restricted areas of the building.

4 The local judicial authority shall designate and clearly mark those
5 areas where weapons are prohibited, and shall post notices at each
6 entrance to the building of the prohibition against weapons in the
7 restricted areas;

8 (c) The restricted access areas of a public mental health facility
9 certified by the department of social and health services for inpatient
10 hospital care and state institutions for the care of the mentally ill,
11 excluding those facilities solely for evaluation and treatment.
12 Restricted access areas do not include common areas of egress and
13 ingress open to the general public; ((~~or~~))

14 (d) That portion of an establishment classified by the state liquor
15 control board as off-limits to persons under twenty-one years of age;
16 or

17 (e) The restricted access areas of a commercial service airport
18 designated in the airport security plan approved by the federal
19 transportation security administration, including passenger screening
20 checkpoints at or beyond the point at which a passenger initiates the
21 screening process. These areas do not include airport drives, general
22 parking areas and walkways, and shops and areas of the terminal that
23 are outside the screening checkpoints and that are normally open to
24 unscreened passengers or visitors to the airport. Any restricted
25 access area shall be clearly indicated by prominent signs indicating
26 that firearms and other weapons are prohibited in the area.

27 (2) Cities, towns, counties, and other municipalities may enact
28 laws and ordinances:

29 (a) Restricting the discharge of firearms in any portion of their
30 respective jurisdictions where there is a reasonable likelihood that
31 humans, domestic animals, or property will be jeopardized. Such laws
32 and ordinances shall not abridge the right of the individual guaranteed
33 by Article I, section 24 of the state Constitution to bear arms in
34 defense of self or others; and

35 (b) Restricting the possession of firearms in any stadium or
36 convention center, operated by a city, town, county, or other
37 municipality, except that such restrictions shall not apply to:

1 (i) Any pistol in the possession of a person licensed under RCW
2 9.41.070 or exempt from the licensing requirement by RCW 9.41.060; or
3 (ii) Any showing, demonstration, or lecture involving the
4 exhibition of firearms.

5 (3)(a) Cities, towns, and counties may enact ordinances restricting
6 the areas in their respective jurisdictions in which firearms may be
7 sold, but, except as provided in (b) of this subsection, a business
8 selling firearms may not be treated more restrictively than other
9 businesses located within the same zone. An ordinance requiring the
10 cessation of business within a zone shall not have a shorter
11 grandfather period for businesses selling firearms than for any other
12 businesses within the zone.

13 (b) Cities, towns, and counties may restrict the location of a
14 business selling firearms to not less than five hundred feet from
15 primary or secondary school grounds, if the business has a storefront,
16 has hours during which it is open for business, and posts
17 advertisements or signs observable to passersby that firearms are
18 available for sale. A business selling firearms that exists as of the
19 date a restriction is enacted under this subsection (3)(b) shall be
20 grandfathered according to existing law.

21 (4) Violations of local ordinances adopted under subsection (2) of
22 this section must have the same penalty as provided for by state law.

23 (5) The perimeter of the premises of any specific location covered
24 by subsection (1) of this section shall be posted at reasonable
25 intervals to alert the public as to the existence of any law
26 restricting the possession of firearms on the premises.

27 (6) Subsection (1) of this section does not apply to:
28 (a) A person engaged in military activities sponsored by the
29 federal or state governments, while engaged in official duties;
30 (b) Law enforcement personnel; or
31 (c) Security personnel while engaged in official duties.

32 (7) Subsection (1)(a) of this section does not apply to a person
33 licensed pursuant to RCW 9.41.070 who, upon entering the place or
34 facility, directly and promptly proceeds to the administrator of the
35 facility or the administrator's designee and obtains written permission
36 to possess the firearm while on the premises or checks his or her

1 firearm. The person may reclaim the firearms upon leaving but must
2 immediately and directly depart from the place or facility.

3 (8) Subsection (1)(c) of this section does not apply to any
4 administrator or employee of the facility or to any person who, upon
5 entering the place or facility, directly and promptly proceeds to the
6 administrator of the facility or the administrator's designee and
7 obtains written permission to possess the firearm while on the
8 premises.

9 (9) Subsection (1)(d) of this section does not apply to the
10 proprietor of the premises or his or her employees while engaged in
11 their employment.

12 (10) Any person violating subsection (1) of this section is guilty
13 of a gross misdemeanor.

14 (11) "Weapon" as used in this section means any firearm, explosive
15 as defined in RCW 70.74.010, or instrument or weapon listed in RCW
16 9.41.250."

17 Correct the title.

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